

United States District Court
Eastern District of North Carolina
Western Division

Case No. 5:20-CT-3240-D

(To be filled out by Clerk's Office only)

William J Passarella JR

Inmate Number LG-653

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

INTERNAL REVENUE SERVICE
CORP.

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☒ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

WILLIAM J PASSARELLA JR

Name

LG-6537

Prisoner ID #

SCI MAHANY

301 MOREA RD FRACKVILLE PA. 17932

Place of Detention Address

301 MOREA RD

Institutional Address

FRACKVILLE,

City

PA.

State

17932

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☒ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

INTERNAL Revenue Service Corp
Name
3000 New Bern Avenue
Current Job Title
RELIGH, NC. 27610
Current Work Address
City State Zip Code

Capacity in which being sued: ☐ Individual ☒ Official ☐ Both

Defendant 2:

Name

Current Job Title

Current Work Address
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: 443 So. 4th Street Colwyn, PA. 19023

Date(s) of occurrence: FED TAX DEFAULT JUDGMENT (CV-2003-412474)

State which of your federal constitutional or federal statutory rights have been violated:

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

INTERNAL Revenue Service did NOT
Verify Records (SSN, DOB, Age of Person(s))
ON DEFAULT JUDGMENT AGAINST ME IN
2003: THE Property 443 So. 4th Street
Colwyn PA 19023 CV-2003-412474
FOR (\$11,592.33) SSN. 1798, DOB 06/18/80
WAS ONLY 10 YEARS OF AGE - A MINOR CHILD
IN THE Year (1990) WHEN THEY GOT THE
Property FROM CARDINAL FINANCIAL Corp
(Fleet Mortgage)!

This ~~misrepresentation~~ MISREPRESENTATION OF WILLIAM-J
PASSARELLA JR (IDENTITY THEFT VICTIM) AND NO
KNOWLEDGE OF ANY LOANS OR FEDERAL TAX
FOR \$11,592.33 I HAD Nothing to do with
YOU?

What
happened
to you?

When did it
happen to
you?

Where did it
happen to
you?

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☐ Yes ☒ No

If no, explain why not:

Is the grievance process completed? ☐ Yes ☒ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- REMOVE / REVERSAL OF DEFAULT JUDGEMENT IN THE AMOUNT OF 11,592.33...
- INTERNAL REVENUE SERVICE TO PAY ANY AND ALL LEGAL / COURT FEES...
- COMPENSATED RELIEF IN AMOUNT OF \$100,000.00
- DAMAGES IN THE AMOUNT OF \$100,000.00
- REMOVE OF ALL CREDIT DEFICIENCIES AGAINST MYSELF DUE TO THIS JUDGEMENT OF DEFAULT SINCE 2003

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes ☒ No

If yes, how many?

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Pending 5:19-CV-00434-FL
PASSARELLA
vs.
CARDINAL FINANCIAL CORP

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

7/23/2020
Dated

William J. Passarella JR
Plaintiff's Signature

William J Passarella JR
Printed Name

LG-6537
Prison Identification #

301 Morea RD Frackville, PA. 17932
Prison Address City State Zip Code